

Application No. 09/784,645  
Amendment dated May 8, 2003  
Reply to Office Action dated November 8, 2002

## REMARKS/ARGUMENTS

### I. Status of Claims

An after-final amendment was filed on January 8, 2003. In an Advisory Action mailed March 25, 2003, the Office declined to enter the amendment. Applicants request that this unentered amendment not be entered before consideration of this response.

Claims 1-10, 13, 16-24 and 27-43 are pending. Upon entry of this amendment, claims 1-26 and claims 40-43 are canceled without prejudice or disclaimer. New claims 44-57 have been added.

The a new claims find support throughout the specification including, for example, at pages 56-60 and the original claims.

### II. Rejection of Claims under 35 U.S.C. 102(e)

Claims 1-10, 13, 16-24 and 40-43 were said to be anticipated by U.S. Patent 6,306,610 to Bawendi et al. (Bawendi). This rejection is rendered moot because of the cancellation of these claims. The new claims that are introduced with this amendment focus on particular types of analytical methods that are performed using tissue arrays. Such arrays are not taught or suggested by Bawendi. Bawendi, instead, focuses on methods utilizing isolated antibodies that have been immobilized to a support. It is thus submitted that Bawendi fails to anticipate or render the current claims obvious.

### III. Double Patenting Rejections

Claims 1-10, 16-26 and 40-43 are rejected under obviousness-type double patenting over claims 1-40 of U.S. Patent No. 6,274,323 in view of U.S. Patent No. 5,606,789 to Koster. Various other claims are provisionally rejected under obviousness type double patenting over various claims in U.S. Application Nos. 09/784,866; 09/766,273; 09/882,193; and 09/887,914. Cancellation of these claims also renders this rejection moot. Reconsideration of these rejections is requested in view of the new claims that are introduced with this amendment.

Application No. 09/784,645  
Amendment dated May 8, 2003  
Reply to Office Action dated November 8, 2002

If the fee provided with this response is deemed deficient, the Office is authorized to charge such deficiency to deposit account 20-1430. Similarly, any credit should be credited to deposit account 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott Ausenhus", written in a cursive style.

Scott L. Ausenhus  
Reg. No. 42,271

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
SLA:sla  
DE 7103837 v1